



**FY2022 RECOMMENDATION/FY22-SR07 Revise Value Basis for Theft of Public Benefits [Statutory]**

**Status:** Implementation Complete

**Actions/Updates**

**2022 UPDATE (JUNE)**

During the FY 2022 Legislative Session, this recommendation was included in House Bill 2022-1257 (Concerning the adoption of the 2022 recommendations of the Colorado Criminal and Juvenile Justice Commission regarding sentencing provisions for offenses). The bill was passed by the General Assembly 3/31/2022 and was signed by the Governor 4/7/2022.

With the passage and signing of this bill, this recommendation is considered complete.

**2022 UPDATE (JANUARY)**

This recommendation, approved by the Commission on January 28, 2022, involves statutory revisions and is first applicable for action during the FY 2022 legislative session.

**Description**

Amend Colorado Revised Statutes related to theft of public benefits to clarify that the amount of theft is based on the amount of benefits paid for which the person is not legally entitled. More specifically, the level of criminal offense is based on the amount of benefits received by the person for which the person is not entitled and does not include the amount the person is entitled to receive.

[No Proposed Statutory Language]

**Agencies Responsible**

General Assembly

**Discussion**

Senate Bill 2021-271 provided that the theft of public benefits be value based, representing a philosophy to which the Commission remains committed. However, recent case law (No. 19SC933, *People v. Vidaur*) has confused the value of the benefits for the purpose of calculating the crime level of the offense. Statute should be clarified that the amount of theft is based on the amount of benefits paid for which the person is not legally entitled. More specifically, the level of criminal offense is based on the amount of benefits received by the person for which the person is not entitled and does not include the amount the person is entitled to receive.